

# Court of Appeals, State of Michigan

## ORDER

People of MI v Jason Lee Shaver

Docket No. 300959

LC No. 09-011041-FC

Joel P. Hoekstra  
Presiding Judge

Kirsten Frank Kelly

Jane M. Beckering  
Judges

The Court orders that the motion to permit the late filing of the trial court's March 21, 2012 opinion on remand is GRANTED. Defendant-appellant shall submit a copy of that opinion to the Clerk of the Court for filing.

The Court further orders that the defendant-appellant's second motion to remand is GRANTED, and this matter is REMANDED to the trial court for the express purpose of conducting an evidentiary hearing pursuant to *People v Ginther*, 390 Mich 436; 212 NW2d 922 (1973), after which the trial court shall determine whether defendant was denied the effective assistance of counsel at trial based on his counsel's failure to investigate and present exculpatory witnesses and evidence. The trial court shall detail its findings of fact and conclusions of law on the record or in writing.

The trial court shall conduct the evidentiary hearing and decide the matter within 56 days after the Clerk's certification of this order. The proceedings on remand shall be given priority until they are concluded. The parties shall promptly file with the Clerk of this Court copies of all papers filed on remand. Defendant-appellant shall file with the Clerk of this Court copies of all orders entered on remand within seven days of their respective entries. The trial court shall cause a transcript of the hearing on remand to be prepared and filed within 21 days after completion of the proceedings.

We retain jurisdiction.



A true copy entered and certified by Larry S. Royster, Chief Clerk, on

APR 16 2012

Date

A handwritten signature in black ink, appearing to read "Larry S. Royster", is written over a horizontal line. Below the line, the words "Chief Clerk" are printed.

Chief Clerk